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4 JESUS CHRIST,  
5 Plaintiff,  
6 v.  
7 DONALD TRUMP,  
8 Defendant.

9 Case No. [22-cv-02402-WHO](#)  
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13 **ORDER ADOPTING REPORT AND**  
14 **RECOMMENDATION**  
15  
16 Re: Dkt. No. 5  
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19 On April 20, 2022, Chief Magistrate Judge Joseph C. Spero issued a Report and  
20 Recommendation, recommending that the complaint filed by plaintiff Jesus Christ, also known as  
21 Michelle Yvonne Wood, against defendant Donald Trump be dismissed without leave to amend.  
22 R. & R. [Dkt. No. 5] 1:13–17. Plaintiff filed an objection on April 27, 2022. *See* Dkt. No. 8.  
23  
24 Having reviewed the record in this case, I agree with Judge Spero’s Report and  
25 Recommendation and adopt it in full. Plaintiff’s complaint is barred by res judicata, as it is based  
26 on the same alleged conduct as in plaintiff’s previous case against defendant, which Judge  
27 Chhabria dismissed with prejudice. *See* Dkt. No. 1; *see also Christ v. Trump*, No. 21-CV-07140-  
28 TSH, 2021 WL 7448553, at \*1 (Sept. 17, 2021), *adopted by Christ v. Trump*, No. 21-CV-07140-  
VC, 2021 WL 7448549, at \*1 (N.D. Cal. Oct. 4, 2021). Her claims against defendant are also  
barred by presidential immunity. And claims against Judges Chhabria and Hixson are barred by  
judicial immunity.

29 Plaintiff contests the Report and Recommendation on the grounds that: (1) dismissal is  
30 unconstitutional because it “allows judges to deliver not guilty verdicts . . . without the consent of  
31 a jury”; (2) plaintiff was denied her First Amendment right to speak in court; (3) presidential  
32 immunity is “unconstitutional” and does not bar claims against defendant; and (4) a jury—not a  
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United States District Court  
Northern District of California

1 judge—must determine the validity of claims. *See Obj. to R. & R.* [Dkt. No. 8] at 2–3. The first  
2 two objections overlap with arguments raised in the previous complaint. The other objections are  
3 equally deficient.

4 First, plaintiff argues that her claims against defendant are not barred by presidential  
5 immunity. *See id.* at 3. I again agree with Judge Spero. *See R. & R.* at 5:6–7. Defendant has  
6 “absolute presidential immunity from damages liability for acts within the ‘outer perimeter’ of his  
7 official responsibility.” *Nixon v. Fitzgerald*, 457 U.S. 731, 756 (1982). Because plaintiff’s claims  
8 appear to be based on defendant’s actions as president, they are barred by this immunity.

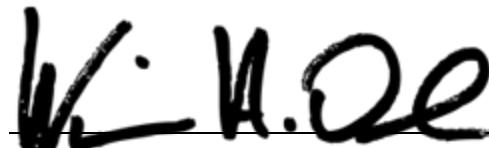
9 Second, plaintiff argues that it is improper for a judge to determine the validity of claims.  
10 *See Obj. to R. & R.* at 2. It is the court’s responsibility to evaluate the sufficiency of a complaint  
11 and determine whether a plaintiff’s claim may proceed. *See Fed. R. Civ. P.* 8; *see also Ashcroft v.*  
12 *Iqbal*, 556 U.S. 662, 679 (2009). Judge Spero acted well within his authority in reviewing  
13 plaintiff’s claims and recommending that they be dismissed.

14 This action is DISMISSED with prejudice.

15 **IT IS SO ORDERED.**

16 Dated: May 6, 2022

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William H. Orrick  
United States District Judge